

1 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).
2 Examples are claims describing fantastic or delusional scenarios with which federal district
3 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the
4 veil of the complaint's factual allegations means that a court is not bound, as it usually is
5 when making a determination based solely on the pleadings, to accept without question the
6 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual
7 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the
8 wholly incredible, whether or not there are judicially noticeable facts available to contradict
9 them. See id. at 32-33.


10 Plaintiff seeks an order compelling defendants to deliver food from their restaurants to
11 him in prison. He alleges he has not eaten fast-food in more than five years and that he is
12 "starving and "very hungry." Plaintiff asserts that defendants "have a duty to feed the
13 hungry" such as himself. As plaintiff's allegations are clearly baseless, irrational or wholly
14 incredible, the complaint will be dismissed as frivolous under sections 1915A and
15 1915(e)(2).

16 For the foregoing reasons, this action is DISMISSED.

17 The Clerk shall close the file.

18 IT IS SO ORDERED.

19 DATED: 12/18/07

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MARTIN J. JENKINS
United States District Judge